

Somerset West and Taunton Council

Licensing Committee – 9 March 2020

Licensing Quarterly Update Report

This matter is the responsibility of Executive Councillor Federica Smith-Roberts

Report Author: John Rendell, Specialist (Licensing)

1 Purpose of the Report

- 1.1 This report provides an update on the activities of the council's licensing service, changes in licensing legislation and other licensing related matters.

2 Recommendations

- 2.1 That the report be noted.

3 Risk Assessment (if appropriate)

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

4 Background and Full details of the Report

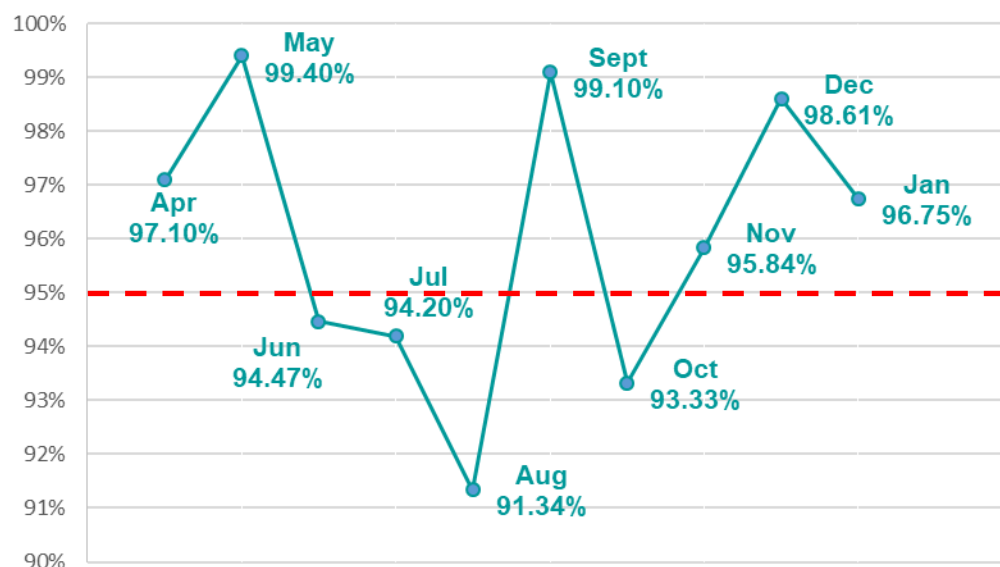
Staffing update

- 4.1 There have again been a number of changes to personnel in the Licensing Team since the Licensing Committee last met. An up to date who's who in the service is attached at **Appendix 1**.
- 4.2 At the time of the last meeting, efforts were underway to fill the vacant Case Manager come Licensing Officer post, formerly occupied by Mark Banczyk-Gee. We are pleased that this vacancy has now been filled. There were two successful applicants who have taken up the role in a job-share type arrangement. They are Nikki Yendall, who has joined the team following a spell split across Customer Services and Revenues and Benefits; as well as Alison Evens, who has re-joined the team, after a short time away from working at the council.
- 4.3 The team's task manager, Fern Avis, began her maternity leave in October. In order for the team to have some continuity, following what has been a challenging period, I will be providing line management cover, as well as the usual technical support to the team. To avoid an unmanageable workload, I have taken a step back from acting as the Specialist for the Car Parks area of the business.
- 4.4 The team is also looking forward to welcoming back Leigh-ann Fumagalli in April, when her Secondment to the Change Team, where she has been a Business Analyst, comes

to an end. Leigh-ann has a number of years' experience as a Licensing Officer and will slot seamlessly into the role of Case Manager (grade F). This will bring the full complement to the same level enjoyed before the transformation project, albeit this is subject to future change, with some team members being on fixed term contracts. For the time being in any case, it means the team can continue to stabilise and broaden its focus from just processing applications and investigating complaints which, during particularly challenging periods, was the sole priority. Further details of some of the other work the team has been doing is provided later in this report.

Performance of the service

- 4.5 The service has a statutory duty to process various application types. In some cases, there are even prescribed time periods within which these applications should be completed.
- 4.6 The performance of the licensing service is measured against the number of applications that are completed within 14 days of them having been determined. In essence, this is when the council is in possession of all the information it needs and has made its decision to grant a licence or not. In some cases, an application is 'determined' immediately upon receipt and this might be because the form is judged to have been filled in correctly and the relevant fee has been paid. In other, more complex cases, a consultation may need to be carried out and the determination cannot not be made until after the consultation period has finished. The target for the service is that, for all applications that are completed within a set period, 95% must be completed within 14 days of that application having been determined.
- 4.7 The performance statistics of the service had, until recently, been submitted to the corporate performance scorecard quarterly. It is currently being done monthly, which includes the running total from the start of the financial year.
- 4.8 Month by month since the financial year, the performance has been as follows:



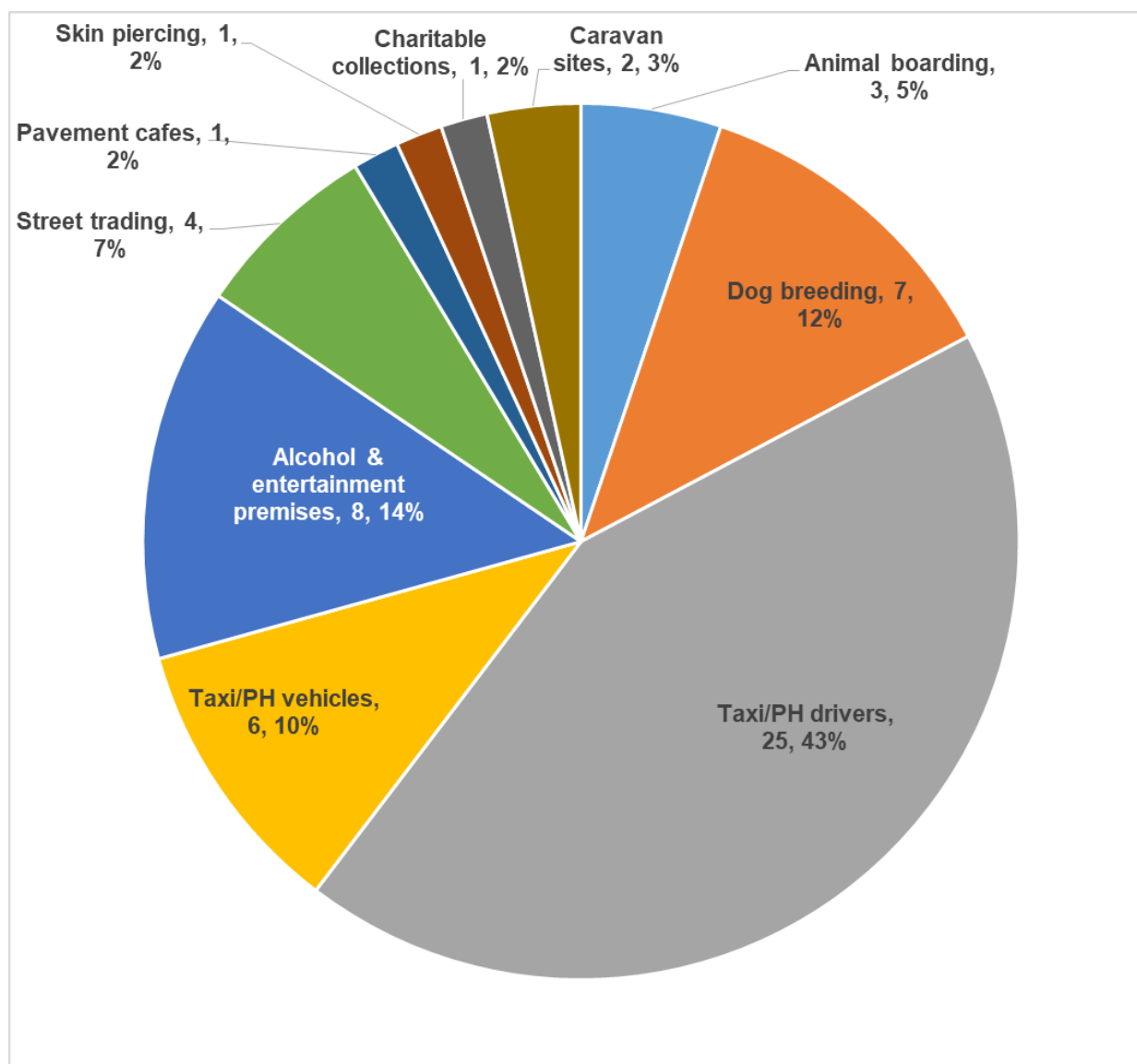
- 4.9 Between April and January, performance has fluctuated above and below the target of 95%. The target was reached in 6 of the 10 months. Whilst the target was not reached in the other 4 months, the dip was not significant.
- 4.10 The target has been reached in the last 3 months and perhaps most importantly, in total across all the months since the beginning of the financial year; with the total being 95.89%. This is very positive, considering the team was almost half its current size in April and there have been a number of personnel changes since then.
- 4.11 Whilst the performance figures are largely positive, there have and continues to be occasional disruption to service, as new systems of working bed in and new staff familiarise themselves in their roles. The team is working closely with the Change Team in particular to make available certain licence applications online, which we are confident will overcome many of these issues and reduce the workload of staff in the Customer Hub and Digital Mailroom.

Applications received and licences in force

- 4.12 To give an idea of the variety and number of persons, premises, vehicles and activities licensed, the numbers of licences in force as of the 21st of February 2020 are shown at **Appendix 2**.
- 4.13 In a change to the previous format, the numbers of notices given no longer feature as they continuously rise and therefore a total number of notices given will not, alone, indicate any trends.
- 4.14 The numbers of Licensing Act 2003 premises licences has reduced significantly more than usual. This is principally due to non-payment of the licence annual fees. The Act requires the Licensing Authority to suspend a premises licence after a grace period of 21 days, where the annual fee has not been paid. The exact fee will vary and relates to the non-domestic rateable value of a premises. In most cases, a fee is not paid because the business has closed and a licence is no longer required. It is rare that the fee is deliberately not paid. Once licences are suspended, Officers attempt to make contact with the holder to ascertain if the licence is still required and if it is not, the holder is instructed to surrender it, so that records can be updated. The increase in staff of late has enabled the team to get a better grip on its finances and be more proactive in following up licence suspensions. The same can be said of the reduction in small society lottery registrations. The reduction in licences is not a cause for concern therefore and is actually a positive sign; that the service is on a more even kilter.
- 4.15 The other noticeable trend in the total licence numbers is the tripling of street trading consents. This is due to changes to management arrangements for Taunton town centre traders in particular, described at paragraph 4.25.

Service requests/complaints

- 4.16 The service investigates reports and complaints received from members of the public and other sources, which relate to people, premises, vehicles and activities which are licensed or need licensing. These are referred to as 'service requests' internally.
- 4.17 Between July 2019 and January 2020, 59 service requests were received, across the following categories (shown with the total figure and percentage of the total it represents):



4.18 Taxi and private hire licensing complaints and service requests form the bulk of those received, as is normally the case. In addition and as has been the trend since the commencement of the new animal licensing regulations in October 2018, there is a steady flow of complaints about alleged unlicensed dog breeders. These are sometimes referred to as 'puppy farms' when there are suspicions that dogs are being bred on a large scale and in unsavoury conditions.

Issues with Gov.uk licence applications

- 4.19 The www.gov.uk website makes available a number of different licence application types which customers can complete, pay for and submit to their local council, completely online. This excludes taxi licensing but most Licensing Act 2003 (alcohol, entertainment and late night refreshment) application forms feature. The most frequent application received via Gov.uk is for a Temporary Event Notice (TEN).
- 4.20 The Licence Team here receives an email notification any time an application is submitted. Upon receipt, staff visit a password protected portal within the site to collect the application payment details, so that this can then be recorded on our own back office systems.

- 4.21 Since its implementation a number of years ago, the online applications have been a big success. Firstly, it has improved the customer experience, by enabling the submission of applications round the clock and avoiding the need to print and post forms. Secondly, this has helped the Licensing Team become more efficient, for example by reducing the time spent scanning paperwork. Our own webpages include links, where appropriate, which guide people to this facility, rather than provide downloadable copies forms.
- 4.22 Unfortunately, of late, staff have observed various issues with the Gov.uk portal. This has included forms the customer has completed appearing empty once downloaded by our staff. To overcome the issue, Licensing staff have had to contact the applicant and request that the forms be sent via another method e.g. email. Of course, this means a less than satisfactory customer experience and increase in workload for the team. This is not an issue that will be limited to Somerset West and Taunton Council.
- 4.23 Licensing contacted Gov.uk to report the technical issue. To our disappointment, the response from Gov.uk advised that it was unlikely a resolution to the problem would be found soon, due to there being other demands of greater priority for their technical staff.
- 4.24 To overcome this problem, we are working closely with the Change Team to make available our own online equivalents, which we will guide customers to rather than Gov.uk. So for example, when a customer visits our website to find out how to submit a TEN, they will, when ready and available, use own online form and payment system, rather than be guided to Gov.uk.

Taunton street trader forum

- 4.25 Prior to the transformation project, management of street traders in Taunton town centre had been overseen by SWT's Visitor Centre and Marketing Manager, Andrew Hopkins, rather than the Licensing Team, who dealt with all other traders. Following the recent organisational changes and in order to offer the best service possible, it has been decided that this should come 'back in house'.
- 4.26 In order to re-connect with traders in the town, Officers from our Licensing, Communications and Engagement, Localities and Streetwise functions organised a 'forum' which was held on the 11th of February.
- 4.27 The meeting was used to discuss:
- Existing rules and proposals for new ones;
 - The process for renewing trading consents in March;
 - The new design/format of the consent permit;
 - Future ambitions officers have to better regulate street trading;
 - Council plans to consult on a new Public Space Protection Order (PSPO);
 - The most effective ways of contacting the council for help or to report issues.
- 4.28 As touched on above, work is already underway on revising the rules which licensed street traders must abide by and traders welcomed being able to engage and plans to consult on any draft proposals, before they reach the Licensing Committee (in due course).
- 4.29 The meeting had a positive air and all parties agreed that periodic forums in the future

would help to maintain the lines of communication.

Digitalisation of DBS checks

- 4.30 In support of our corporate priority of being 'A transparent and customer focussed Council' and aim to 'Deliver new technologies and improvements to our processes that deliver excellent customer service', Licensing has been working with the Mark Hill in the Change Team to digitalise the process of applying for a Disclosure and Barring Service checks (DBS – formerly known as 'CRB checks') for taxi and private hire drivers.
- 4.31 Before January, would-be taxi and private hire drivers would have to be sent, or collect, an official DBS issued paper form from the council, which they would complete at home. Once complete, the individual would arrange a personal visit to the council offices to submit the form and have their ID documents checked, after which Licensing would post the form to the DBS. Between 4 and 6 weeks later, the individual would receive their DBS certificate, which they would then need to deliver to the council offices to be officially copied for their licence application file. In many cases, customers were visiting our offices on three separate occasions and the service would be paying for two lots of postage.
- 4.32 Thanks to Mark's work, the team are now using an online DBS service through a company called 'UCheck'. The benefits of this online system are:
- Has reduced the number of visits the applicant/individual needs to make to the council offices to just one;
 - No postage costs;
 - Reduced unnecessary handling of paperwork by staff so that time can be spent on other tasks;
 - Quicker turnaround times as now between 2 and 4 weeks.

Knowledge test

- 4.33 Along with the DBS check mentioned above, passing a type of 'knowledge test' is a common feature used by district councils to determine the suitability of people wishing to become a licensed taxi and private hire driver.
- 4.34 The test currently used here at SWT is in the format of a one on one interview with a Licensing Officer/Case Manager, whereby applicants are asked questions based on the licensing legislation and contents of the taxi and private hire licensing policy document, commonly referred to as 'the taxi handbook'; for example, "If you were driving a Hackney Carriage or a Private Hire vehicle and it were involved in an accident, who would you need to report it to?". It is estimated that the current test/interview format has been existence since around 2010. It has drawn criticism from the licensed trade (in Taunton especially), in particular due to the absence of questions on local geography. Long standing members of the committee will recall that around 2012/13, this led to a surge of licence applications from people in the Bristol area looking to exploit loopholes in the legislation. An 'out of area driver' policy was subsequently adopted to combat the problem but the test left untouched. Officers recognise the current test is not fit for purpose.
- 4.35 Work to develop a brand new format for a knowledge test has been ongoing for a number of years, but hampered by changes in personnel within the team and the prioritising of other work during the transformation project.

4.36 A new format is now nearing completion. It will include:

- Identifying local places of interest on a map of the district;
- Numeracy e.g. calculating what change to give to a customer;
- Knowledge of taxi/private hire licensing, motoring and equalities legislation;
- Knowledge of the licence rules;
- Demonstrating they have completed the child sex exploitation (CSE) eLearning training module (which they will have access to in advance);
- Exercising good judgement in certain taxi/private hire related scenarios.

4.37 The test will comprise of two parts. The first will be class room style written exam, in which individuals will be given a paper test sheet to complete within a specified time. This will ensure we are able to gauge the applicant's comprehension of written English but also introduce time savings for the service, as multiple individuals will sit this part. The second part will involve a one on one verbal interview (taken in turns). Current thinking is that the test will be scheduled to take place once a month.

4.38 Prominent figures from the Taunton taxi trade have been involved in road testing the new elements and their feedback is shaping the final product.

4.39 Lead officer for this piece of work, Alison Evens, is currently finalising some of the administrative arrangements, such as how individuals book the test and whether the digital DBS application and ID checks that go with it can be incorporated (so as to reduce the number visits an applicant must make to the council offices). It is hoped that the new format will be implemented during the Spring.

West Bay Park residential caravan site

4.40 Officers have responded to the recent, significant cliff fall at West Bay Park residential caravan site in Watchet by issuing an enforcement notice.

4.41 Following an alert on Monday the 17th of February, Officers conducted an emergency visit to the site a day later and observed that an area of the site at the cliff edge had been lost, no doubt accelerated by the recent inclement weather. The cliff fall and loss of land reduced the distance between the boundary of the site and two homes to less than the 3 metres required as a condition of the licence. In one case, parts of a concrete foundation were exposed and posts supporting an area of decking were left hovering over the drop.

4.42 Thankfully, the site owners had been already been in touch with the households of the two homes and alternate, temporary accommodation was found.

4.43 Unfortunately, with there being no other space within the site to move the affected homes and it being clear that stabilisation works would only act as a temporary solution, it was decided that, to properly safeguard residents, a compliance notice (in accordance with the Caravan Sites and Control of Development Act 1960) was issued, requiring that the homes be moved.

4.44 Licensing will continue to monitor the situation at the site and maintain dialogue with the site owners to ensure the risk to public safety is managed appropriate. Efforts will also be made to support the households affected if further temporary accommodation is required.

5 Links to Corporate Strategy

5.1 The council has a statutory duty to issues licences for various activities, as outlined in **Appendix 2**. By providing advice to the public, helping them to understand and meet regulatory requirements and responding proportionately where breaches of legislation occur, the service can support the following corporate aims:

- Support the town centres throughout the District to meet the challenge of changing shopping habits.
- Support the enhancement of arts and culture provision within the District.

6 Finance / Resource Implications

6.1 Where legislation allows for cost recovery, licence fees are levied against the administration of the regime and the supervision of licences issued. It would be unlawful to deliberately set the fees to make a profit and any over (or under) recovery is redressed in future fee levels.

7 Legal Implications

7.1 No legal implications identified.

8 Climate and Sustainability Implications (if any)

8.1 No direct carbon/environmental impacts arising from the recommendation in this report.

9 Safeguarding and/or Community Safety Implications (if any)

9.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

9.2 With the addition of securing the welfare of animals, these are the main aims of the Licensing service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety.

10 Equality and Diversity Implications (if any)

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected

characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

12 Partnership Implications

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

14 Asset Management Implications

14.1 No asset management implications were identified.

15 Data Protection Implications

15.1 No data protection implications were identified.

16 Consultation Implications

16.1 As this is an update report, consultation has not been necessary.

17 Scrutiny Comments / Recommendation(s)

17.1 As a quarterly report just for the Licensing Committee, there are no scrutiny comments or recommendations.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency: ☐ Once only ☐ Ad-hoc ☒ Quarterly
☐ Twice-yearly ☐ Annually

List of Appendices (delete if not applicable)

Appendix 1	Staff update
Appendix 2	Licences issued and notices given

Contact Officers

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